

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL

In re Application of

RICHARD RICHARDS

For Renewal of License  
of Low Power Television  
Station K33CG  
Sierra Vista, Arizona

MM Docket No. 93-176

File No. BRTTL-921116IG

RECEIVED

FEB 23 1994

To: Administrative Law Judge  
Richard L. Sippel

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

STATEMENT OF PROOF OF PUBLICATION

Richard Richards ("Richards"), by his attorneys and pursuant to Section 73.3594 of the Commission's Rules, hereby submits the attached proof of publication of the local notice of the hearing in the above-captioned proceeding. See Exhibit A.

The notice was published in a timely manner in compliance with Section 73.3594(f) of the Rules.<sup>1/</sup> However, this proof of publication is not being submitted to the Commission within the seven-day period following the date of publication, as required by Section 73.3594(g) of the Commission's Rules. No party to this proceeding will be prejudiced nor will this proceeding be delayed by this untimely submission.

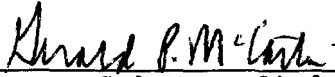
<sup>1/</sup> Section 73.3594(f) requires notice to be given in a daily, weekly or bi-weekly publication having general circulation in the community or area to be served at least once during the two-week period immediately following release of the FCC's order specifying the time and place of the commencement of the hearing. In this case the Order (FCC 93M-430) specifying the time and place of the commencement of the hearing was released on July 1, 1993. Notice was published on July 14, 1993 in the "Sierra Vista Herald and the Bisbee Daily Review," newspapers published six days a week in Sierra Vista and Bisbee, Chochise County, Arizona. Consequently, notice was published within the two-week period required by the Commission's Rules.

No. of Copies rec'd  
List ABCDE

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WHEREFORE, for the reasons set forth herein, Richards hereby requests that the Administrative Law Judge accept this late-filed submission.

Respectfully submitted,

  
\_\_\_\_\_  
Thomas Schattenfield  
Gerald P. McCartin  
ARENT FOX KINTNER PLOTKIN & KAHN  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5339  
202/857-6020

DATE: February 23, 1994

**EXHIBIT A**

# PUBLISHERS AFFIDAVIT

STATE OF ARIZONA )

) SS.

COUNTY OF COCHISE )

Debbie Maple being duly sworn, deposes and says:

That she is the Secretary of the Sierra Vista Herald  
and the Bisbee Daily Review, newspapers published six days a week in Bisbee and Sierra  
Vista, Cochise County, State of Arizona

Notice of Hearing Designation Order

a copy of which is hereto attached, was  
published in its issues for 1 times  
on the following dates:

July 14, 1993

Subscribed and sworn to me this 14th  
day of July, 19 93

Shirley R. Bruening  
NOTARY PUBLIC

## PUBLIC NOTICE

Richard Richards  
Station K33CG  
Channel 33, Broadcasting K.T.B.N. Fortuna  
CAL Channel 40

Hearing Designation Order  
October 13, 1993 at 10:00 a.m. in the offices of the  
Federal Communications Commission,  
Washington, DC 20554

The application of this station for a renewal of its  
license to operate this station in the public interest was  
tendered for filing with the Federal Communications  
Commission on Nov. 16, 1992. After considering this  
application, the FCC has determined that it is neces-  
sary to hold a hearing to decide the following questions.

A. To determine, in light of Richard Richards conviction  
for violating Title 21, United States Code Sections  
841(a)(1), 841(6)(1)(D) and 841(8)(6), whether Ri-  
chards possesses the requisite qualifications to be the  
licensee of Station K33CG.

B. To determine, in light of the evidence adduced pur-  
suant to the foregoing issue, whether the grant of the  
application to renew the license of Station K33CG will  
serve the public interest, convenience and necessity.  
The hearing will be held at offices of the Commission,  
Washington, DC, commencing at 10:00 a.m. on Oc-  
tober 13, 1993. Members of the public who desire to  
give evidence concerning the foregoing issues should  
write to the Federal Communications Commission,  
Washington, DC 20554, not later than July 31, 1993.  
Letters should be set forth in detail the specific facts  
concerning which the writer wishes to give evidence. If  
the FCC believes that the evidence is legally compe-  
tent, material and relevant to the issues, it will contact  
the person in question.

Publsh: July 14, 1993

MY COMMISSION EXPIRES JULY 10, 1997

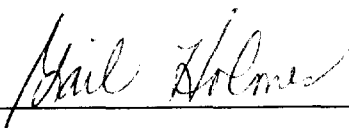
MY COMMISSION EXPIRES

**CERTIFICATE OF SERVICE**

I certify that the foregoing Statement Of Proof Of  
Publication was served on the 23rd day of February, 1994, by hand  
delivery to the following:

Charles E. Dziedzic, Esquire  
Robert A. Zauner, Esquire  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Suite 7212  
Washington, D.C. 20554

Honorable Richard L. Sippel  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 214  
Washington, D.C. 20554

  
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